

THE INSURGENTS WIN AGAIN

LEADERS COMPELLED TO YIELD ANOTHER POINT.

Appropriation for Salaries of Judges of the Customs Court Eliminated From the Urgent Deficiency Bill—Disappointment to a Number of Politicians.

WASHINGTON, Aug. 4.—The leaders in Congress who have charge of the conference report on the tariff bill have been compelled to yield another important point to the insurgent Republicans. The authorization of a customs court of appeals has been practically nullified for the time being, and until Congress takes further action at the regular session nothing can be done in an administrative way toward putting the machinery of this court in motion.

The customs court provision was put into the bill by the Senate Finance Committee. It was vigorously attacked in the Senate and the proposed salaries reduced. The opposition to the proposal was formidable and vigorous. Senator Clark of Wyoming, chairman of the Judiciary Committee, led a fight against it, and Senator Borah of Idaho opposed it on the ground that it was an implied assent upon the Federal judiciary and that it had been created with the definite object in view of having a tribunal to construe the tariff law in a way that would be satisfactory to the authors of the law, a thing which the Federal courts had not been doing. When the tariff bill came from conference it was found that the salaries of the judges and court officers had been restored to the figures fixed by the original report from the Finance Committee. This created some adverse comment, in view of the fact that the customs court authorization had been put into the bill by the Finance Committee and the Senate had made a marked reduction in the salaries. The result was a threat to scuttle the tariff bill unless the salaries were reduced.

The opportunity for the opponents of the customs court came when the urgent deficiency appropriation bill was reported to the Senate. While the tariff bill fixed the salaries, it was left for the conference committee to make necessary arrangements for their payment. After a vigorous onslaught, led by Senator Borah, who offered an amendment reducing the proposed salaries generally, the deficiency bill was passed, but the appropriations for the customs court had been emasculated beyond recognition. The insurgents were not entirely satisfied with having reduced the salaries, and when the urgent deficiency bill went to conference they renewed their fight, with the result that when the report came to both houses to-day by the conference the Senate amendment carrying appropriations to pay the salaries of the judges and other officers of the proposed new court was entirely eliminated. In its place was an appropriation of \$25,000 to enable the Board of General Appraisers in New York to employ special counsel to assist the Government in the prosecution of appeal in customs cases in the Federal courts.

On the face of things it appeared that there was no likelihood of putting the customs machinery in motion in the absence of appropriations to pay salaries. In view of certain reports that the court might be organized and proceed to business, relying on the next session of Congress to make the needed appropriations, the Senators who opposed the creation of the new tribunal, led by Senator Borah, went to the President and to the leaders in Congress and secured assurances that no effort would be made to organize the court until after Congress had made a specific appropriation to meet the expenses for salaries, etc. Indeed, under the statutes there is some question whether an attempt to set the machinery of the new court in motion by the part of the executive departments would not lead to serious complication. Congress a few years ago passed a law in the form of an amendment to the general appropriation bill forbidding the heads of departments from creating a deficiency. Under the wording of the statute, which representative of the House, the Appropriations Committee of the House, cited in explaining the situation to-day, the executive departments would incur the risk of penalties for proceeding to incur expenses resulting from the act in the absence of a specific appropriation. The result of it all will be that the customs court matter will go over until the regular session of Congress, and its opponents in the Senate believe they will be able at that time to repeat that part of the tariff bill which authorizes the new court.

The failure of the customs court to materialize will be a great disappointment to a number of politicians who had been looking for a new arena of activity. According to the report which reached Congress many of the places had been practically filled in advance. A number of statements were made by the officials by current rumor for seats in the new customs court, and some of them, in anticipation of appointment, had really taken on a judicial aspect.

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The principal feature of the report was the omission of the Senate amendment appropriating \$100,000 for a customs court as provided in the tariff bill. The conference discussion as to the amount of compensation for the judges of the court Mr. Tawney, chairman of the Appropriations Committee, explained that the conference had decided that the best method would be to defer the whole question until next winter. An appropriation of \$25,000 was inserted to defray the expenses of litigation in customs cases in the Circuit Court. It would be illegal, Mr. Tawney declared, for the President to appoint the judges of the court during the recess of Congress, and in view of this fact and because of the dispute over the salary question the conference deemed it advisable to postpone the whole matter until next winter when there will be full opportunity to discuss it.

The provision limiting the premium

THE FIFTH AVENUE BRANCH

of The Farmers' Loan and Trust Company, 475 FIFTH AVENUE, near 41st Street.

Interest allowed on Deposit Accounts. Acts as custodian of personal property and manager of real property. Letters of Credit. Foreign Money and Travelers' Checks. Vault Boxes for Customers' use.

on the bonds of disbursing officers of the Government, inserted by Mr. Tawney, was modified in conference so as to prevent the Government from accepting a bond from any official on which the premium was more than 55 per cent. in excess of the premium for the year 1908. The sum of \$10,000 was also appropriated to defray the expenses of a joint congressional committee to investigate the whole bonding question and to make a report to the next session of Congress.

The appropriation of \$100,000 to enable the President to make trade investigations was also dropped. When the tariff bill came from conference it was found that the salaries of the judges and court officers had been restored to the figures fixed by the original report from the Finance Committee. This created some adverse comment, in view of the fact that the customs court authorization had been put into the bill by the Finance Committee and the Senate had made a marked reduction in the salaries. The result was a threat to scuttle the tariff bill unless the salaries were reduced.

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BEVERIDGE IS SATISFIED

ONE FEATURE OF TARIFF BILL MEETS HIS APPROVAL.

It authorizes the President to Make Inquiries Into Conditions Bearing on the Customs Laws—Resolution Correcting the Hides Schedule Reported.

WASHINGTON, Aug. 4.—When a tariff commission not a tariff commission? This question was discussed with great heat in the Senate for more than two hours to-day and each side of the dispute reached conclusions satisfactory to itself. The controversy was brought up by Senator Beveridge of Indiana, who early in the session had introduced a bill creating a tariff commission. The subject was discussed yesterday by Senator Aldrich of Rhode Island, who took it up as a result of criticisms of that section of the tariff bill which authorizes the President to make certain inquiries into the conditions bearing on the customs law. This provision of the bill was adopted as a concession to the advocates of the tariff commission, among them Senators Beveridge, Cummins and La Follette.

Mr. Beveridge declared that Senator Aldrich's explanation of the provision in question satisfied him that the President had ample authority under it to make inquiries, the results of which would be useful to Congress in the future in enacting tariff legislation. The himself satisfied on this point. By inference Senator Beveridge said that the advocates of the tariff commission had won a victory.

Sensors Hale and Cummins took issue with the Indiana Senator. Mr. Hale said there was no such thing as a tariff commission in the bill, in fact nothing that at all partook of the nature of a commission such as was proposed in the Beveridge bill introduced more than a year ago. Mr. Hale insisted that the provision to which Mr. Beveridge had alluded was merely authorized the President to determine whether any foreign country with which we deal discriminated against products of the United States; if so the President was authorized to impose maximum rates of duties on the imports of the countries so discriminating. Senator Cummins agreed with Senator Hale, but Senator Beveridge said that nevertheless he was satisfied. Senator Hale thereupon made a speech in opposition to the tariff commission idea, denying, as alleged by Senator Beveridge, that the majority in Congress favored the creation of such a body.

The concurrent resolution correcting the hide joke was introduced in the Senate shortly before adjournment this afternoon by Senator Aldrich. Senator McCumber of North Dakota, a member of the Finance Committee, reported favorably from the committee a joint resolution prohibiting the sale in this country of the by-products of wheat raising in foreign countries, and prohibiting the payment of drawback on the products of that country.

Senator McCumber of Mississippi offered an amendment placing cotton bagging on the free list. He asked Mr. McCumber whether or not he would be willing to accept the amendment. Mr. McCumber said as far as he personally was concerned he would accept it, but he could not speak for the committee.

In reply to a question by Senator Scott of West Virginia, Mr. Aldrich said that the Finance Committee would not accept Mr. McCumber's amendment.

Senator Clapp of Minnesota, author of the amendment, said that the corporation tax on holding companies, which was lost in conference, offered an amendment to restore it.

The night session began at 8 o'clock there were only a few members present. Mr. Nelson of Minnesota made the point that all the members of the Finance Committee were absent. The roll called showed that the members of the Finance Committee were absent. The roll called showed that the members of the Finance Committee were absent. The roll called showed that the members of the Finance Committee were absent.

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TO END THREE CENT FARE WAR.

Indications That There May Be a Compromise in Cleveland.

CLEVELAND, Aug. 4.—That a settlement of the traction problem may come before the fall election, when Mayor Tom L. Johnson, defeated in a referendum on the Schmidt three cent fare grant yesterday, must face the voters for reelection, was indicated to-day.

A caucus of Democratic Councilmen resulted in the issuing of a statement by Mayor Johnson that he and the council were prepared to resume negotiations with the Cleveland Railway Company. President Horace Andrews of that company immediately announced that his company stood ready to settle on any form of grant Federal Judge R. W. Taylor should outline. Judge Taylor to-day declared that he stood ready to offer any assistance.

It is before his court that the receiver proceedings against both the Cleveland and Municipal companies are in progress. A new ordinance for which the Democratic council substituted the Schmidt grant.

Following the Democratic caucus, Republicans called a special meeting of the Council for to-morrow, when the Taylor traction grant will be offered for first reading, to force speedy action by the Council, which is controlled by Mayor Johnson.

The Taylor plan provides for a twenty-five year franchise at three cent fare for six months and at whatever fare will produce a revenue of \$1,000,000 capital thereafter, with universal transfers and with a provision that the city may buy the system at the end of ten years.

PUSHING ON TO ALBANY.

Canadian Pacific Ready for Last Section of Road to New Seaport—Costly Work.

VICTORIA, B. C., July 29.—No time is to be lost by the Canadian Pacific Railroad in bringing the new seaport of Alberni into direct touch with the world. The Wellington-Alberni section of the pioneer transcontinental line is being rushed to completion. Tenders are now invited for grading and bridging on the final section of about twenty-seven miles required to complete the route to Alberni.

This stretch involves the heaviest work on the entire line. Crossing is made in it of the mountain backbone of the island. It is in a section of the line, backed as it is by towering Mount Arrowsmith—the grading and bridging contract has just been let to Moore & Dixon. Bids for the route to Alberni are now being received from August 7 to September 8, and it is expected that work will be completed before the autumn of 1910.

BRINGING DOURNA HERE.

Detective Starts From Cincinnati With Alleged Embezzler.

CINCINNATI, Aug. 4.—Detective Otto Renberg, who is said to be an attaché of District Attorney Jerome's office in New York, has gone back to New York with a man named Dourna, who is wanted there for alleged embezzlement of something like \$30,000 from his uncle.

Detective Renberg came here about a week ago to take Dourna to New York, but Dourna would not go out of Ohio without a requisition. This necessitated a visit to Columbus, where Gov. Harmon signed the papers.

Dourna came to Cincinnati about a month ago loaded with money. Apparently he was a rug salesman, representing a large New York firm. He had \$4,000 when he came to the Hotel Havlin and stayed there for a few days. For the next few days there were no strings to his money. Then he awoke to find himself in jail, charged with beating automobile owners.

YOUNG GIRL SEEKS DEATH.

Says She Came to New York to Be Married, but Quarrelled With Fiance.

PITTSBURGH, Aug. 4.—Anna Miller, a young girl, attempted suicide this morning and the police are much mystified by her story. The young woman, who is well connected, says that on last Saturday she met a Dr. Lanor at a New York hotel, having gone there to marry him. She says they quarrelled and she returned without being married, so she decided to die.

WIND LEVELS SHOW TEND.

Two Women Hurt When Barnum & Bailey's Canvas Came Down.

BATTLE CREEK, Mich., Aug. 4.—During a windstorm which uprooted trees, blew down fences and telephone poles here to-day the menagerie tent of the Barnum & Bailey Circus was blown down and two women seriously injured. A large crowd gathered to see the wreckage.

Miss Adelaide Hathaway of Schoolcraft, Mich., sustained internal injuries and a fractured hip. Miss Bernice Platt of this city, who was in the automobile, which collided and was severely injured.

ALLEGED DIAMOND PIRATES.

Vessel Under American Flag Seized Off Coast of Portuguese Africa.

WASHINGTON, Aug. 4.—A despatch to the State Department from Mr. Bryan, the American Minister at Lisbon, says that he has been informed by the Portuguese Government of the seizure of a small vessel flying the American flag and the arrest of the men on board.

The men were taken to Loanda charged with stealing diamonds.

Senate Confirms About a Hundred Nominations.

WASHINGTON, Aug. 4.—In an effort to clear up the legislative calendar before adjournment the Senate to-day confirmed the nominations of about a hundred postmasters, diplomatic officers and other Federal appointees. Among the diplomatic nominations confirmed to-day was that of William F. Sands of the District of Columbia, former secretary of the American Embassy in Mexico City, to be Minister to Guatemala.

The nomination of Ellis De Druker of Washington to be Commissioner of Immigration at Seattle was also confirmed.

Democrats Urge Hepburn for Judge of Customs Court.

WASHINGTON, Aug. 4.—A petition signed by the Democratic members of the House urging the appointment of ex-Representative William P. Hepburn of Iowa as a Judge on the bench of the proposed new Customs Court of Appeals was to-day forwarded to the President. Mr. Hepburn is a Republican.

BARCELONA MUTTERS AGAIN

DEMANDS FOR RELEASE OF ANARCHISTS FROM MONTJUICH.

Armed Men Still Guard the Streets—Fall of Desolation Spreads and Arrests Are Frequent—Many Graves Desecrated—Moors Make Onslaught at Melilla.

Special Cable Despatches to THE SUN. LONDON, Aug. 5.—The Barcelona correspondent of the Telegraph says that for the present quiet is restored, yet there are certain doubts as to whether the revolution has received its death blow. Martial law is still in force. The civil guards and police, armed with rifles, still patrol the streets.

The wholesale shooting of prisoners after court-martial still goes on at the fortress of Montjuich. Rumor states that the revolutionists will recommence outrages unless the remaining prisoners are released.

Arrests continue on a large scale. Prisoners are constantly seen with their hands behind their backs and escorted by civil guards. Two well known journalists of anarchist tendencies were arrested on Monday.

Many officers and soldiers are deserting and crossing the frontier. Many bodies have been found under the ruins of the convents. Members of the Red Cross can still be seen transporting charred remains.

The Barcelona correspondent of the Telegraph in a despatch dated Monday describes children playing at revolution shooting at each other with toy rifles to cries of "Viva la Republica." He declares it would take volumes to describe the desolation now spreading its cloak over Barcelona.

In speaking of the convent church of the Magdalen he says: "The whole place is a heap of ruins, the walls are still smoking, although the place was set on fire five days ago. In the garden there were thirty vaults where dead sisters were buried. The coffins from these were pulled down and opened and the corpses thrown about the garden. They were placed in sheets and heaped in a pile and set on fire. The rooms were pillaged. What walls are left are inscribed with drawings and writings too obscene to repeat."

BARCELONA, Aug. 4.—At a meeting of the City Council to-day a resolution denouncing last week's violence and anarchy was adopted by a vote of 22 to 16.

MADRID, Aug. 4.—A telegram from Melilla states that the Kabyles made a surprise attack upon the Spanish position and that some officers and men were killed and wounded.

A semi-official statement published to-day says that the reports published abroad to the effect that the Spanish troops at Melilla were mutinous and dejected were entirely without foundation. On the contrary, it is declared, both officers and men have shown magnificent enthusiasm, have done their duty and have fought like lions with admirable contempt for danger.

The losses the troops have suffered, so far from cooling their ardor, have only increased, if that were possible, the enthusiasm of the troops. The commander-in-chief to the young recruit, animated everybody to-day as it did on the first day of the war. It is displayed to an equal degree by the troops at home, where men and officers are burning to offer themselves as volunteers, to pay their debt to the flag and to avenge their brothers in arms.

The Imperialist correspondent at Barcelona states that last night passed quietly. Work is proceeding on the railway between Sagunto and Barcelona, which is expected to be cleared and in operation to-morrow.

Gen. Boney, who was sent with troops from Barcelona to quell disturbances at Sabadell, has restored order and made three hundred arrests.

Porto Rico Agitation Continues.

Special Cable Despatches to THE SUN.

SAN JUAN, P. R., Aug. 4.—Luis Munos Rivera, leader of the Unionist party, which opposes the Government's interpretation of the Olmstead law, has sailed for the United States.

King Manuel's English Visit.

Special Cable Despatches to THE SUN. LISBON, Aug. 4.—King Manuel will probably visit England the second week in November.

Sommer Flies Seventy Minutes.

Special Cable Despatches to THE SUN. PARIS, Aug. 4.—Roger Sommer at Chalais-Montrouge has set a new record for an hour and ten minutes.

BACK HOME TO BROOKLYN.

Girls Who Feasted Philadelphia Police Taken in Charge by Father-in-Law.

PHILADELPHIA, Aug. 4.—The girls who ran away from Brooklyn to find out what Philadelphia is like and then added to their amusement by worrying Superintendent of Police Taylor have been identified. They were taken back to Brooklyn this afternoon.

One girl is Mary Weber, 17 years old, of Fifteenth and Macon streets, and the other is Lucia Holland, 18 years old, of 121 Bedford avenue, Brooklyn. When Lucia went to the detective bureau yesterday and said that she and her companion had been kidnapped by three men in a motor car, she was taken to the New York City police station and her father, a photographer, was notified. He took her to her home.

Before leaving the girls admitted that they came to Philadelphia with the men of their own will and concocted the kidnapping tale that they might get funds with which to return home.

CAN AFFORD TO PAY FINES.

Watusa Ute Not Breaking the Law? Asks Adherent Sausage Man.

Magistrate Herrman in the West Side court yesterday tried to explain to Gus Cucuanto, an Italian, that he would have to pay a fine of \$5 for selling frankfurters and sauerkraut without a license at Broadway and Forty-seventh street.

"No, no, no," said Gus to the Magistrate.

"Watusa ute, listen to it." "The use," replied the Magistrate, "is that you are fined \$5 for disobeying the law. The fines from your cart are so pungent and stinging that they nearly strangle the people who pass. The law is inviolable. You have been fined many times before. I should think by now you would be tired of paying them."

"No, I no no no. Watusa use? I make da mon. Here is da five."

Wedding Guest Breaks His Neck.

WILKESBARRE, Pa., Aug. 4.—Simon Bolkasy of Swoyersville, a guest at a wedding there to-day, accidentally broke his neck. He was standing on a porch and joking with some other guests when he fell backward over the railing and struck on his head. A few weeks ago his only son was killed in a mine.

NEARLY ALL SWEDEN ON STRIKE

More Than a Quarter of a Million Workers Quit for Sympathy.

Special Cable Despatches to THE SUN. STOCKHOLM, Sweden, Aug. 4.—In answer to the command of the Allied Trade Unions a general strike throughout Sweden was declared to-day. It will affect over a quarter of a million workers and serious trouble is feared. The tramway and dock services have been suspended in Stockholm.

Although the factories have stopped work the strike is not general. Tourists have all left Stockholm. The gas works and electrical supply are under military protection.